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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,991	12/11/2003	John M. Sebastian	58624US002	1398
32692	7590	08/01/2005	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			MATZEK, MATTHEW D	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,991

Applicant(s)

SEBASTIAN ET AL.

Examiner

Matthew D. Matzek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 27 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/05, 3/15/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-26, drawn to a fibrous article, classified in class 442, subclass 151.
- II. Claims 27-28, drawn to a method of making a fibrous article, classified in class 427, various subclasses.

The inventions are distinct, each from the other because of the following reasons:

1. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the substrate of claim 28 may be contacted with the pressure sensitive adhesive prior to its contact with the fibrous article.
2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Bradford B. Wright on 7/5/2005 a provisional election was made without traverse to prosecute the invention of Group I,

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claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27-28 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3-5, 7-16 and 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. (US 2002/0164455) as evidenced by Romanowski (US 2004/0071916) in view of Renz et al. (US 6,187,845).

a. Nishikawa et al. teach a porous sheet laminate as a display sheet comprising a nonwoven release sheet, pressure sensitive adhesive containing UV-absorbers and hindered amines, and a nonwoven fabric of synthetic fibers (Abstract, [0035, 37, 44, 55-56]). The applied publication specifically states that the type of nonwoven fabric to be used in the invention is to not be restricted [0055].

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- b. Romanowski teaches a nonwoven pressure sensitive adhesive tape comprising a nonwoven fabric layer (Abstract and [0062]). Nonwoven fabrics include spunbonded, needle punched (needletacked), and spunlaced fabrics [0062].
- c. However, the Nishikawa et al. reference does not disclose the specific nature of the pressure sensitive adhesive to be applied to the nonwoven fabric.
- d. Renz et al. teach pressure sensitive adhesive compositions that are rendered stable against ultraviolet (UV) degradation via the incorporation of benzotriazole UV absorbers (Abstract and col. 4, lines 24-35). The adhesive compositions may be used to protect interior structures, textiles, and fabrics (col. 3, lines 40-43). Claim 11 recites that the adhesive composition may contain between 0.1 to 20 weight percent of benzotriazole. The adhesive composition may additionally contain up to another 20% of another UV absorber, hindered amines, or conventional stabilizers (col. 13, lines 19-45). Additional adhesives may be added to the pressure sensitive adhesive composition (col. 20, line 57 – col. 22, line 26).
- e. Since Nishikawa et al. and Renz et al. are both from the same field of endeavor, (i.e. fibrous articles with a pressure sensitive adhesive coating comprising UV absorbers and hindered amines), the purpose disclosed by Renz et al. would have been recognized in the pertinent art of Nishikawa et al.
- f. It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the article of Nishikawa et al. with the adhesive

composition of Renz et al. with the motivation of successfully protecting the article of Nishikawa et al. from UV degradation.

7. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DiZio et al. (US 5,990,238) in view of Romanowski (US 2004/0071916) and in further view of Renz et al. (US 6,187,845) as applied above in the previous rejection.

a. DiZio et al. teach an adhesive tape comprising a nonwoven or woven synthetic backing layer with a pressure adhesive coated on its first major surface (Abstract, col. 1, lines 5-10, col. 6, lines 10-15, and col. 16, lines 8-22). The adhesive composition may also contain UV absorbers (col. 14, lines 1-10). The adhesive article of the applied invention is generally supplied as a roll of tape and as such adjacent layers of backing with pressure sensitive adhesive are necessarily present (col. 16, lines 60-63 and Fig. 1). This reads on claims 14 and 16-26. In alternative embodiments a release liner may be used to separate adjacent layers of the adhesive tape (col. 10, lines 36-40).

b. However DiZio et al. is silent as to the type of nonwoven material to be used as backing in the adhesive tape and the specific composition of the pressure sensitive adhesive.

c. Romanowski teaches a nonwoven pressure sensitive adhesive tape comprising a nonwoven fabric layer (Abstract and [0062]. Nonwoven fabrics include spunbonded, needle punched (needletacked), and spunlaced fabrics [0062].

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d. Since DiZio et al., Romanowski, and Nishikawa et al. are all from the same field of endeavor, (i.e. pressure sensitive adhesive coated nonwoven articles), the purposes disclosed by Romanowski and Nishikawa et al. would have been recognized in the pertinent art of DiZio et al.

e. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify article of DiZio et al. with the motivation of successfully creating a pressure sensitive article protected from UV degradation.

Conclusion

8. The references applied in International Search Report of PCT/US2004/034400 have not been applied as they do not anticipate the specific chemical composition of the instantly claimed pressure sensitive adhesive.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is (571) 272-2423. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mdm


NORCA TORRES
PRIMARY EXAMINER